



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/825,777

04/15/2004

Jeffrey H. Dunn

Dunn et al 1-1

8776

23307 7590 02/25/2009

FOX ROTHSCHILD LLP  
2000 MARKET STREET  
10th Floor  
PHILADELPHIA, PA 19103

EXAMINER

ANWAH, OLISA

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,777	<b>Applicant(s)</b> DUNN ET AL.	
	<b>Examiner</b> OLISA ANWAH	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 10 is/are rejected.
- 7) ☒ Claim(s) 2,4,7 and 11-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/15/2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 10 are rejected under 35 U.S.C. § 102(a) as being anticipated by Applicant's admissions (hereinafter AA).

Regarding claim 1, AA discloses a method of providing security mechanisms for Internet communications, said communications comprising a plurality of protocol layers including an IP protocol layer (see IP protocol layer from line 28 of page 2) and at least one protocol layer above the IP protocol layer; said method comprising:

employing Internet protocol security (see IPSEC from line 18 of page 2) authentication header (see AH from line 17 of page 2) methodology to derive a plurality of control messages (see control message from line 17 of page 2);

Art Unit: 2614

utilizing said control messages in a transport mode (see transport mode from line 27 of page 2) to provide control plane security; and,

providing security mechanisms, wherein said security mechanisms are utilized at one of said at least one protocol layers above the IP protocol layer (see Transmission Control Protocol 108 and the User Data Protocol 110 layers from line 29 of page 2).

Regarding claim 10, AA discloses an apparatus for providing security for Internet communications, said communications comprising a plurality of protocol layers including an IP protocol layer (see IP protocol layer from line 28 of page 2) and at least one protocol layer above the IP protocol layer (see higher layer protocol from page 6); said apparatus comprising:

at least one control message derivation module for deriving for said communications a plurality of control messages (see control message from line 17 of page 2) utilizing Internet protocol security (see IPSEC from line 18 of page 2) authentication header methodology (see AH from line 17 of page 2);

Art Unit: 2614

a control plane security module for utilizing said control messages in a transport mode (see transport mode from line 27 of page 2) at one of said at least one protocol layers above the IP protocol layer (see Transmission Control Protocol 108 and the User Data Protocol 110 layers from line 29 of page 2).

3. Claims 1, 3 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by S. Kent and R. Atkinson, "Security Architecture for the Internet Protocol" IETF RFC 2401, November 1998 (hereinafter IDS).

Regarding claim 1, IDS discloses a method of providing security mechanisms for Internet communications, said communications comprising a plurality of protocol layers including an IP protocol layer (see IP layer from page 4) and at least one protocol layer above the IP protocol layer (see higher layer protocol from page 6 of 62); said method comprising:

employing Internet protocol (see IPsec from page 5 of 62) security authentication header (see AH from page 4 of 62) methodology to derive a plurality of control messages;

utilizing said control messages in a transport mode (see transport mode from page 6 of 62) to provide control plane security; and,

Art Unit: 2614

providing security mechanisms, wherein said security mechanisms are utilized at one of said at least one protocol layers above the IP protocol layer (see upper layer protocols from page 6 of 62).

Regarding claim 3, see pages 7 and 12 of 62.

Regarding claim 10, IDS discloses an apparatus for providing security for Internet communications, said communications comprising a plurality of protocol layers including an IP protocol layer (see IP layer from page 4 of 62) and at least one protocol layer above the IP protocol layer; said apparatus comprising:

at least one control message derivation module for deriving for said communications a plurality of control messages utilizing Internet protocol security (see IPsec from page 5 of 62) authentication header (see AH from page 4 of 62) methodology;

a control plane security module for utilizing said control messages in a transport mode (see transport mode from page 6 of 62) at one of said at least one protocol layers above the IP protocol layer (see upper layer protocols from page 6 of 62).

***Allowable Subject Matter***

4. Claims 2, 4, 7 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 is allowed.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Art Unit: 2614

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Olisa Anwah  
Patent Examiner  
February 25, 2009

/Olisa Anwah/

Primary Examiner, Art Unit 2614